

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
MARCH 18, 2003**

CALL TO ORDER

The 1906th meeting of the Milwaukie City Council was called to order by Council President Lancaster at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Deborah Barnes

Susan Stone

Staff present:

Tim Ramis,
City Attorney

Alice Rouyer,
Community Development/
Public Works Director

PLEDGE OF ALLEGIANCE

AUDIENCE PARTICIPATION

Art Ball, 4960 SE Harvey St., Milwaukie, Lewelling Neighborhood District Association (NDA) Chair, updated the City Council on the neighborhood community park located at the corner of Stanley Avenue and Willow Street. He provided information on grant funding, contributions, and expenditures to give the Council an idea of how neighborhood grant funds are being spent. To date the Lewelling NDA has received a total of \$17,353.76 in grants and \$10,917 in contributions and spent \$22,712.

Funds have gone toward park design, surveying, and half street designs all of which have been very expensive. The perimeter fencing costs were negligible by comparison. Progress is being made with the park, and residents continue to be enthusiastic about working toward the goal of having a well-developed neighborhood park.

Councilor Stone noted a \$5,000 contribution by the City.

Ball said this was a Council-approved contribution and was money well spent. He announced the 3rd Annual Lewelling Neighborhood Rummage Sale on May 17 – 18 with its location to be announced. The proceeds from the sale go toward park development. He explained the park site was formerly a meth house. The City purchased the property and demolished the house, and the NDA took on the task of developing the site for park and recreation use. The park now has a split rail fence on 3 sides and a chain link fence on the north side. There are about 2 or 3 large trees on the site, and the neighborhood is considering planting a Centennial dogwood.

Council President Lancaster commented this is a good example of what the neighborhood grant program has done for our community. He understood some of the park design time was donated.

Ball said a preliminary drawing was done on donated time to give residents an idea of what could be done with the property. This service would have cost the NDA about \$7,000 and was noted as a match on the NDA's grant report.

OTHER BUSINESS

Authorize Staff to Solicit Bids for Safeway Building Demolition

Rouyer provided the staff report in which the City Council was requested to authorize the facilities department to solicit bids for phase 1 demolition of the Safeway building in anticipation of the North Main Redevelopment Project. Phase 1 will take the building down to the slab and basement with a steel plate and a fence installed to address safety issues. There are sufficient funds in the current year's budget to complete phase 1. Phase 2 will be done after the City determines what the development teams might want to propose in the future. Phase 1 will be done by the end of this fiscal year and will take about 30 – 45 days to complete. Drivers will probably experience a temporary disruption of the permit parking lot during the demolition; however, staff will work to minimize the impacts.

Councilor Stone understands some Budget Committee members are concerned about the aesthetic appearance of a chain link fence but realizes there are liability issues. Some have suggested a banner to keep people informed about the project so the City does not get nuisance complaints.

Council President Lancaster doubted an attractive sign could be incorporated into tonight's action but suggested looking for a way to fund one.

Rouyer said the development team selected might pick up that cost.

Councilor Stone thought a site drawing would be nice to display.

It was moved by Councilor Barnes and seconded by Councilor Stone to authorize the facilities department to solicit bids for the demolition of the Safeway building and authorize the city manager to execute a contract not to exceed \$35,000. Motion passed unanimously among the members present.

PERS Appeal -- Resolution

Ramis discussed potential conflict of interest issues related to Council's voting on this agenda item. The first question is Council participation. Two members have, either as individuals or through family members, a connection to the PERS system. Oregon Government Standards and Practices requires that potential or actual conflicts of

interest be disclosed. The second question has to do with actually voting on the matter. In this case, there are at least 2 applicable exceptions to the usual prohibitions that would apply. First is that the class of people potentially affected by the outcome of this litigation is very large. The law recognizes that if the public official is part of a large class, he or she is allowed to vote. The second requirement is particular to Milwaukie. The Charter requires that before taking action on any item that a majority of the entire Council must act on it. With 3 Council members at tonight's meeting, all must participate to reach a decision.

Councilor Barnes said, in her opinion, she has a conflict of interest in that she has been employed by the North Clackamas School District for 9 years and is a member of the PERS system.

Council President Lancaster declared a conflict of interest in that he previously worked for the SAIF Corporation for 7 years and has a vested interest in PERS.

Ramis said the substantive issue has to do with whether or not the City should adopt a resolution and participate in litigation challenging the amount of the rate Milwaukie is being charged. There is a circuit court decision made by Marion County Judge Lipscomb that essentially rules that the rates were calculated based on the wrong mortality table and changes the premium amount entities would pay. PERS is charging a rate that does not reflect a change in the mortality table. The League of Oregon Cities (LOC) has organized a lawsuit challenging that PERS Board decision and raising it to the appellate court for review. Because of the way the case is organized with a number of cities participating, Milwaukie can participate for \$150. The city attorney's recommendation is to adopt the resolution and to authorize the agreement with outside counsel.

It was moved by Councilor Stone and seconded by Council President Lancaster to adopt the resolution authorizing the League of Oregon Cities to appeal the PERS rate increase on behalf of the City through outside counsel.

Councilor Barnes said for the record she is voting as an elected official representing the City of Milwaukie and its citizens.

Motion passed unanimously among the members present.

RESOLUTION NO. 8-2003:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE LEAGUE OF OREGON CITIES TO COORDINATE FILING AN APPEAL ON THE CITY'S BEHALF, THROUGH OUTSIDE COUNSEL, FROM THE RATE INCREASE RECEIVED FROM PUBLIC EMPLOYEE RETIREMENT SYSTEM.

Other Items

Councilor Barnes recently attended several neighborhood association meetings, and residents have told her they would like to know more about the City's emergency plan in light of the potential conflict in Iraq. She has talked to several staff members about communicating, in layman's terms, how the City would protect the public in the event of an emergency. *The Pilot* would be the easiest way to convey the message. This could be an undertaking of the full Council, or, with the other members' permission, she would like to work on it. In addition, she suggested producing a program for the cable channel.

Council President Lancaster felt it was a good idea to communicate the City's emergency plan to the public. He supported Barnes if she wished to take the lead on a cable project.

Councilor Barnes met with the Milwaukie High School Principal Aeylin Summers last week to reopen lines of communication with the City, and Summers is excited about working with the City and involving students in Centennial activities. The principal has invited a Milwaukie representative to sit on the site council, which Barnes believes would be a good way to get the citizens from Milwaukie High School involved. She suggested Council members might rotate attending site council meetings.

Councilor Barnes has put neighborhood association meeting attendance on her agenda. She attended the March Lake Road NDA meeting and appreciated hearing directly from residents in the informal settings these meetings offer. She encouraged other Council members to do the same in order to get a cleaner perspective of what is going on in the community by talking one-on-one with citizens.

Authorize City Manager to Excuse the City Attorney from a Council Meeting -- Resolution

Ramis provided the staff report in which the City Council was requested to adopt a resolution that would authorize the city manager to excuse the city attorney from meetings at which no legal advice was necessary. The city attorney's office concurs with this proposal, and it would save the City money. If a legal issue does come up during a meeting, his office will arrange a way to contact one of the attorneys.

Council President Lancaster said generally speaking many issues that come up are not that urgent, and Council can always get back to the person who has a question or concern.

It was moved by Councilor Stone and seconded by Councilor Barnes to adopt the resolution authorizing the city manager to excuse the city attorney from attending meetings if no legal advice is needed. Motion passed unanimously among the members present.

RESOLUTION NO. 9-2003:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DELEGATING TO THE CITY MANAGER THE AUTHORITY TO EXCUSE THE CITY ATTORNEY FROM REGULAR AND SPECIAL MEETINGS OF THE CITY COUNCIL PURSUANT TO MILWAUKIE MUNICIPAL CODE SECTION 2.04.120.

Moment of Silence for Those Serving in the Armed Forces, Our Country, State and City

At Councilor Barnes's suggestion, Council, staff, and meeting attendees observed a moment of silence.

Councilor Resignation and Interim Appointment

Council President Lancaster said there is only 1 name on the May 20 ballot for Council position #3, so it is a fore drawn conclusion that community activist Joe Loomis will be the next Councilor. In the process of helping the City move forward, he received a phone call and written declaration yesterday from Interim Councilor Jeff Marshall submitting his resignation effective March 18, 2003. Joe Loomis has agreed to step forward early if the City Council wishes. Lancaster believes this is an important thing to do so the new Council can begin working together.

It was moved by Councilor Stone and seconded by Council President Lancaster to appoint Joe Loomis as Interim City Councilor until the May 2003 election results are certified.

Ramis explained the Council has specific authority in the Charter to take this action. The resignation creates a vacancy under Charter Section 18; Section 19 says the remaining Council members shall fill the vacancy by a majority vote.

Motion passed unanimously by members present.

Adjournment

It was moved by Councilor Barnes and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously among the members present.

Council President Lancaster adjourned the meeting at 6:40 p.m.



Pat DuVal, Recorder